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PTO/SB/21 (08-00)

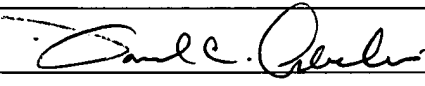
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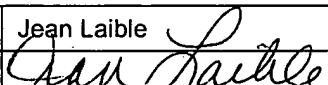
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/857,234
	Filing Date	June 1, 2001
	First Named Inventor	Jennifer Campbell
	Group Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	021340-00008

ENCLOSURES <i>(check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/ Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Copy - PCT/DO/EO/905 & 917 Original application as filed Substitute Declaration as filed Return Postcard
Remarks <input style="width: 100px;" type="text"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Eckert Seamans Cherin & Mellott Daniel C. Abeles
Signature	
Date	August 24, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: August 24, 2001			
Typed or printed name	Jean Laible		
Signature		Date	August 24, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of) Attorney Docket No: 021340-00008
)
JENNIFER CAMPBELL et al.) Entitled:
)
Serial No.: 09/857,234) METHOD AND APPARATUS FOR
) MULTIPLE STAGES OF MASS
Filing date: June 1, 2001) SPECTROMETRY

Eckert Seamans Cherin & Mellott
600 Grant Street, 44th Floor
Pittsburgh, PA 15219

Assistant Commissioner for Patents
BOX PCT
Washington, DC 20231

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21 SEP 2001
Legal staff
International Division

RESPONSE TO A NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This is in response to the corrected Notification of Missing Requirements under 35 U.S.C. § 371 with regard to the Notification Of A Defective Oath Or Declaration. The oath or declaration was stated as being defective because: (i) It does not identify the application to which it is directed; (ii) Does not identify the mailing address of each inventor; and (iii) Does not identify the foreign application for patent or inventor certificate for which a claim for priority is made under 37 C.F.R 1.55. In addition, the surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date has not been submitted.

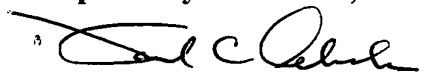
The original oath was submitted with the filing of the application under 35 U.S.C. § 371, with the signature of only two of the three inventors. The first inventor's signature was subsequently obtained on the same declaration and the declaration was resubmitted on June 22, 2001. It is respectfully noted that the signature dates on the declaration show that two inventors signed prior to filing and that the remaining inventor signed just subsequent to filing. The application was attached to the declaration as indicated when each of the inventors signed. Enclosed for the Examiner's information is the fully executed declaration that identifies the attachment as the application to which it refers. Accordingly, it is

respectfully asserted that the declaration properly does identify the application to which it is directed.

It is respectfully noted that both the mailing address of each inventor and the priority information were supplied on the Application Data Sheet, and the declaration complies with 37 C.F.R. § 4.97 entitled "Oath or Declaration Under 35 U.S.C. § 371(c)(4). The foregoing Section deals with the filing of the national stage of an international application under 35 U.S.C. § 371, under which this application was filed; rather than the filing of a new U.S. application that claims the priority of a foreign application under the Paris Convention. Section 1.497(a)(3) identifies that only each inventor and the country of citizenship of each inventor need be specified, as applicant's have done. It is further noted that the declaration was provided with all information required filled in on a PTO approved form PTO/SB/01A, approved for use through 10/31/2002. The form is entitled Declaration (37 CFR 1.63) For Utility or Design Application Using An Application Data Sheet (37 CFR 1.76). Thus it is respectfully noted that the enclosed declaration meets the full requirements of the statute and corresponding patent regulations.

The Examiner is authorized to charge Eckert Seamans Deposit Account No. 02-2556 in the amount of \$130.00, which is the surcharge for providing the oath or declaration later than 30 months from the priority date. Any further deficiency/credit in payment may also be charged/credited to the same account.

Respectfully submitted,



Daniel C. Abeles
Registration No. 25,822
Attorney for Applicants
412.566.1295

8/24/01
Date